

DT01 Rec'd PCT/FTN 21 OCT 2004

IN THE CLAIMS:

Please amend the claims as follows:

1. (Currently Amended) Method for delivering messages to a mobile terminal device in case of an unsuccessful message delivery attempt to said mobile terminal device from a Store-and-Forward Entity (SFE) of a mobile communication network having a presence service, said presence service providing an information about the attainability of said mobile terminal device, characterized by:

- [-] receiving a notification about an unsuccessful delivery attempt of said message, and

- [-] subscribing to said presence service for receipt of notifications about the attainability of

- said mobile terminal device,

- [-] checking availability information of said mobile terminal device in said presence service for an acceptance of said message by said mobile terminal device,

- [-] initiating a delivery attempt of said message to said mobile terminal device, in accordance

- with the result of said checking,

- wherein said availability information for the acceptance of said messages by said mobile terminal device comprises information selected from a group of: type of message, size of the message, data content of the message, location of said mobile terminal device and willingness of a user of said mobile terminal device to receive a message.

2. (Currently Amended) Method according to claim 1, further comprising:

- [-] receiving a status change notification message from said presence service about said

- mobile terminal device having a change of said availability information,

- [-] starting a delivery attempt of said message to said mobile terminal device, in accordance

- with said received status change notification message.

3. (Currently Amended) Method according to claim 1 or 2, wherein said message is a

multi media message.

4. (Currently Amended) Method according to ~~anyone of the preceding claims~~claim 1, further comprising receiving of said message to be transmitted to said mobile terminal device.
5. (Currently Amended) Method according to ~~anyone of the preceding claims~~claim 1, further comprising checking availability information of said mobile terminal device in said presence service for the availability of said mobile terminal device.
6. (Currently Amended) Method according to ~~anyone of the preceding claims~~claim 1, wherein said availability information for acceptance of said message is depending on properties of said message.
7. (Original) Method according to claim 6, wherein said properties are selected from a group comprising: message type, message size, sender type, and sender.
8. (Currently Amended) Method according to ~~anyone of the preceding claims~~claim 1, wherein said availability information of said mobile terminal device in said presence service can arbitrarily be changed by receiving said presence service status change message from said mobile terminal device.
9. (Currently Amended) Software tool for performing a delivery attempt of a message to a mobile terminal device in accordance with the information related to the availability status of said mobile terminal device in a communication network, comprising program code means for carrying out the steps of ~~anyone of claims 1 to 8~~claim 1 when said software tool is implemented in a program run on a Store-and-Forward Entity or a network device.
10. (Currently Amended) Computer program for performing a delivery attempt of a message to a mobile terminal device in accordance with the availability status of said mobile terminal device in a communication network, comprising program code means for carrying out the steps of ~~anyone of claims 1 to 8~~claim 1 when said program is run on a Store-and-Forward Entity or a network device.
11. (Currently Amended) Computer program product comprising program code means stored on a computer readable medium for carrying out the method of ~~anyone of~~

~~claims 1 to 8~~claim 1 when said program product is run on a Store-and-Forward Entity or a network device.

12. (Currently Amended) Store-and-Forward Entity ~~connected~~connectable to a mobile communication network having a presence service for store-and-forwarding a message to a mobile terminal device, characterized by:

[-] a component for receiving a notification about an unsuccessful delivery attempt of said

message, and

[-] a component for subscribing to said presence service for receipt of notifications about the

attainability status of said mobile terminal device, and

[-] said presence service,

wherein said presence service provides an information about acceptance of said message selected from the group comprising: message type, message size, message content, sender type, sender, and location of said mobile terminal device.

13. (Currently Amended) Store-and-Forward Entity according to claim 12, further characterized by:

[-] a component for checking availability information of a presence service for an acceptance

of said message by said mobile phone, and

[-] a component to initiate a delivery attempt of said message to said mobile terminal device, in accordance with the operation of said checking component.

14. (Original) Store-and-Forward Entity according to claim 13, further comprising a component for checking availability information of said presence service for the availability of said mobile terminal device.

15. (Currently Amended) Store-and-Forward Entity according to claim 13 ~~or 14~~, further comprising a component for receiving messages to be transmitted to said mobile terminal device.

16. (Currently Amended) Store-and-Forward Entity according to ~~anyone of the claims 12 to 15~~claim 12, further comprising a component to change said availability information in said presence service of said mobile terminal device according to

the reception of a presence service status change message from said mobile terminal device.